

San Juan County District Court
Local Court Rules

Effective June 28, 2002

Table of Rules

Local Administrative Rules

- LARLJ 2 Location of Primary Office
- LARLJ 9 Disclosure of Public Records

Local Civil Rules

- LCRLJ 38 Trial Readiness Report - Reimbursement Fee
- LCRLJ 54 Attorney Fees
- LCRLJ 56 Summary Judgment Motions Against Pro Se Litigants

Local Criminal Rules

- LCrRLJ 1.1 Scope
- LCrRLJ 1.6 Conduct of Court
- LCrRLJ 3.1 Automatic Withdrawal of Attorney Appointed at Public Expense
- LCrRLJ 3.2 Bail in Criminal and Traffic Cases
- LCrRLJ 3.3 Verification of Trial Date - Continuances
- LCrRLJ 3.4 Presence of the Defendant
- LCrRLJ 3.7 Presence of the Prosecutor
- LCrRLJ 4.1 Arraignment
- LCrRLJ 4.2 Statement of Defendant on Plea of Guilty
- LCrRLJ 4.5 Pre-Trial Conference
- LCrRLJ 4.7 Challenge to BAC DATAMASTER -- Sanctions
- LCrRLJ 6.1 Jury Trial Readiness Hearing
- LCrRLJ 6.1.1 Jury Trial Term
- LCrRLJ 6.1.2 Bench Trial Term
- LCrRLJ 6.13 Evidence - Court's Custody of Exhibits
- LCrRLJ 6.15 Jury Instructions
- LCrRLJ 7.2 Sentencing -- Evaluations
- LCrRLJ 8.2 Motions
- LCrRLJ 8.13 Evaluations -- General Standards

Local Infractions Rules

- LIRLJ 3.1(b) Contested Hearings Preliminary Proceedings -- Discovery
- LIRLJ 3.2(b) Motion for Vacation of Default Judgement for FTA
- LIRLJ 3.5 Decision on Written Statements
- LIRLJ 3.6 Deferred Findings
- LIRLJ 6.6. Speed Measuring Device Certification

Local Special Proceedings Rules

- LRSP 1 Name Changes

DISTRICT COURT OF WASHINGTON FOR SAN JUAN COUNTY
NOTICE OF ADOPTION OF LOCAL RULES

The following Local Rule for San Juan County District
Court are hereby ADOPTED this 28TH day of JUNE, 2002.

PREFACE
PROMULGATION AND ADOPTION

These rules shall be known as the Local Rules for the San Juan County District Court. Copies will be filed with the Office of the Administrator of the Courts, the San Juan County Public Law Library, and the Clerk of the San Juan County District Court. Additional copies will be available from the San Juan County District Court Clerk.

Consistent with GR 7(b) Washington Court Rules, to the extent possible, these rules conform in numbering system and in format to those rules adopted by the Supreme Court of the State of Washington for Courts of Limited Jurisdiction. The number of each rule is preceded by the abbreviation "L" designating the rule as a San Juan County Local Court Rule and as being supplemental to the corresponding Washington Court Rule for Courts of Limited Jurisdiction, and shall not be construed in conflict with them.

These rules have been adopted, or are adopted, or are amended, to be effective as noted within the body of each rule. The court may modify or suspend any of these local rules in any given case upon good cause shown or upon the court's own motion.

LARLJ 2.
LOCATION OF PRIMARY OFFICE

The primary office of the San Juan County District Court shall be located in Friday Harbor, Washington. Violations of State Law and Municipal Ordinances occurring in the Town of Friday Harbor are filed and prosecuted in San Juan County District Court. These rules are binding in such cases.

[Effective September 1, 2002]

LARLJ 9.
DISCLOSURE OF PUBLIC RECORDS

The following records and files of this Court are declared confidential:

- A. Affidavits for probable cause for arrest warrants before the warrant has been served and returned;
- B. Mental health, psychiatric, and medical reports;
- C. Alcohol and drug evaluations and follow up reports;
- D. Unless admitted into evidence, certified copies of driving records, abstracts of driving records, and compiled reports of arrests and convictions;
- E. Judges notes and work sheets;

- F. Witness statements and police reports;
- G. Determinations of Indigency; and,
- H. Any other item ordered to be sealed by a judge or classified as confidential by statute, rule or regulation.

Access to confidential records is limited to persons authorized by statute or who obtain a Court order.

[Effective September 1, 2002]

LCRLJ 38.
TRIAL READINESS REPORT - REIMBURSEMENT FEE

- (i) A party demanding a jury trial shall, three days prior to the scheduled trial date, contact the District Court Clerk and confirm that the jury is still required. When a cause assigned a date for trial as a jury case is settled, or will not be tried by a jury for any reason, notice of that fact shall be given immediately to the Court Clerk.

In the event the notice is given to the Court Clerk less than three days prior to the scheduled trial date, the party electing not to have it's case heard by a jury shall pay a jury administrative reimbursement fee equal to the actual costs incurred by the Court associated with the jury request, unless the Judge determines that the reimbursement shall not be paid.

[Effective September 1, 2002]

LCRLJ 54.
ATTORNEY FEES

Reasonable Fees. In civil default cases where reasonable attorney fees are authorized, the following schedule shall be deemed reasonable unless the parties present evidence of circumstances that convinces the court that a larger or smaller fee should be awarded, provided, however, the court shall have authority to vary from this schedule on its own motion:

\$1.00 to \$ 999	\$300
\$1,000.00 to \$1,500	\$325
\$1,500.01 to \$2,000	\$350
\$2,000.01 to \$2,500	\$375
\$2,500.01 to \$3,000	\$400
\$3,000.01 to \$4,000	\$425
\$4,000.01 to \$5,000	\$450.

For judgments exceeding \$5,000, additional reasonable attorney fees may be allowed of 5% of any balance over \$5,000 without formal justification or documentation.

[Effective September 1, 2002]

LCRLJ 56.
SUMMARY JUDGMENT MOTIONS AGAINST PRO SE LITIGANTS

- (h) In all cases where a motion for summary judgment is brought against a litigant who is not represented by an attorney, the moving party must attach a copy of CRLJ 56 to the motion for summary judgment. The copy shall be attached to the motion filed with the court and the copy of the motion served on the non-moving party. In the event a copy of the rule is not attached, the motion shall be stricken subject to being re-noted without terms.

[Effective September 1, 2003]

LCrRLJ 1.1
SCOPE

Procedures in San Juan County District Court shall be in accordance with pertinent Washington statutes and Criminal Rules, and these Local Rules are only in supplement thereto.

[Former Rule No.1, renumbered and amended effective September 1, 1997]

LCrRLJ 1.6
CONDUCT OF COURT

- (a) The court may modify or suspend any of the Court Rules in any given case upon the showing of good cause or upon the Court's motion in order to prevent the failure of justice.

[Former Rule 22, renumbered and amended effective September 1, 1997]

LCrRLJ 3.1
AUTOMATIC WITHDRAWAL OF ATTORNEY APPOINTED AT PUBLIC EXPENSE.

- (e) Unless a Notice of Appeal has been filed, an attorney

appointed at public expense shall be deemed automatically withdrawn from representation thirty days following a final decision of the court as defined in RALJ without need to file any document with the court.

[Adopted effective September 1, 2003.]

LCrRLJ 3.2
BAIL IN CRIMINAL AND TRAFFIC CASES

- (t) Bail Schedule. Except as otherwise set forth herein, the court has adopted the uniform bail schedule of the office of administrator of courts. No deviation from the bail schedule shall be permitted unless specifically authorized by the court.
- (u) Receipt of bail. Clerks are authorized to receive bail posted with the court in the form of cash, cashier's check or money order.

[Former Rule No.6 renumbered and amended effective September 1, 1997]

LCrRLJ 3.3
VERIFICATION OF TRIAL DATE - CONTINUANCES

- (f) (3) Counsel and parties shall be responsible for keeping themselves informed of the date and time of trials, and must contact the clerk of the court one business day prior to the trial date to verify the starting time of the trial.
- (h) Continuances or other delays may be granted as follows:
 - (1) By stipulation: Upon written agreement of the parties, which must be signed by the defendant or all defendants, and with the express approval of the court. The agreement shall be effective when approved by the court on the record or in writing.
 - (2) By motion: On motion of the prosecuting authority, the court, or a party, the court may continue the case when required in the administration of justice and defendant will not be substantially prejudiced in the presentation of his or her defense. The motion must be filed on or before the date set for trial or the last day of any continuance or extension granted pursuant to this rule. The court must state on the record or in writing the reasons for the continuance. If the court grants the continuance, it may also impose such terms as would be equitable.
 - (3) The court will not continue a trial date or other final disposition beyond the applicable time for trial under

CrRLJ 3.3 without a signed speedy trial waiver.

[Former Rules No.2 and 11 renumbered and amended effective September 1, 1997]

LCrRLJ 3.4
PRESENCE OF THE DEFENDANT

- (c) Defendant Not Present. If in any case the defendant is not present when his or her personal attendance is necessary, the court may order the clerk to issue a bench warrant for the defendant's arrest, which may be served as a warrant of arrest in other cases. The court may also forfeit any bail, bond or other security posted by or on behalf of the defendant. If the defendant fails to appear for any pre-trial hearing, the court may also strike the trial date. If the defendant fails to appear for any pre-trial hearing for any reason not authorized or approved by the court, the defendant shall be deemed to have waived his or her right to a speedy trial under CrRLJ 3.3(c).

[Former Rules No. 5 and 16(C) renumbered and amended effective September 1, 1997]

LCrRLJ 3.7
PRESENCE OF THE PROSECUTOR

In all criminal cases, a representative of the San Juan County Prosecuting Attorney's Office shall be present to conduct the case for the plaintiff, unless otherwise authorized by the court.

[Former Rule No. 3, renumbered and amended effective September 1, 1997]

LCrRLJ 4.1
ARRAIGNMENT

Arraignments shall be in accordance with CrRLJ 4.1 and 4.2. Except as noted below, a lawyer may, pursuant to CrRLJ 4.1(d), enter an appearance on behalf of a client by filing a written notice of appearance with the clerk and serving a copy upon the prosecuting attorney. Except in the following cases, the clerk may continue an arraignment at the request of the defendant or counsel for one week, on condition that a Waiver of Speedy Arraignment is filed with the court.

A lawyer may not enter a written plea of not guilty on behalf of a client, if the charging document states that one

or more of the charges involves domestic violence, harassment, violation of an anti-harassment or protection order, stalking, or driving while under the influence of intoxicants, driving while under the age of 21 after having consumed alcohol, or physical control of a vehicle while under the influence of intoxicants.

If the defendant has previously appeared in person before a judge, as required by RCW 46.61.50571, and conditions of release have been ordered, then a lawyer may enter an appearance or a plea of not guilty and waiver of arraignment on behalf of a client.

An appearance that waives arraignment, but fails to state a plea, shall be deemed to constitute entry of a plea of not guilty. Upon timely receipt of a notice of appearance and the filing of proof of compliance with conditions of release, the court staff shall strike the arraignment date and issue a notice to appear for pretrial hearing.

[Former Rule No. 4, renumbered and amended effective September 1, 1997, amended effective September 1, 2002]

LCrRLJ 4.2
STATEMENT OF DEFENDANT ON PLEA OF GUILTY

- (g) A written statement of the defendant shall be filed in accordance with CrRLJ 4.1(g). Where a defendant is represented by counsel, it shall be the duty of the defense attorney to have a properly completed written statement of defendant on plea of guilty, at the time the case is called.

[Effective September 1, 1997, amended effective September 1, 2002]

LCrRLJ 4.5
PRE-TRIAL CONFERENCE

- (a) Date set at Arraignment. When a plea of not guilty is entered, the court shall set a time for a pre-trial conference, approximately 30 days after the arraignment.
- (b) Mandatory Appearance. All parties and their attorneys shall be present at the pre-trial hearing. Failure of a defendant to attend the pre-trial conference may result in the issuance of a bench warrant, the forfeiture of any bond, bail or other security posted by or on behalf of the defendant, and the striking of the trial date from the trial calendar.
- (c) Discovery Complete. By the time of the pre-trial hearing, the parties should have completed discovery and concluded plea negotiations.

- (d) Pre-trial motions. All pre-trial motions (including Petitions for Deferred Prosecution), other than motions in limine, must be noted at the pre-trial hearing. The court will set a time for a hearing on the motions and set a briefing schedule. The motions must be made in writing in accordance with the briefing schedule, with a memorandum of authorities and, where appropriate, an affidavit setting forth the specific facts the party expects to elicit at the hearing. Failure to note a motion at the pre-trial hearing, or comply with the briefing schedule, absent a showing of good cause, will be deemed a waiver of the issues presented in the motions.
- (e) Jury Trial. The Trial Readiness Hearing and the Jury Trial will be scheduled at this time.

[Former Rule 16(C), renumbered and amended effective September 1, 1997, amended effective September 1, 2002]

LCrRLJ 4.7
CHALLENGE TO BAC DATAMASTER - SANCTIONS

- (b) (4) If the defendant seeks to challenge the condition or operation of the BAC Verifier DataMaster or the admissibility of any test conducted with the instrument, he or she must serve written notice of the challenge and the grounds therefore on the prosecuting attorney at least 7 days prior to the trial date. Failure to provide timely notice will constitute a waiver of such challenge.
- (g) (7) (iv) Motions for sanctions may be heard on any regularly scheduled court day, provided that notice has been provided to opposing party at least 48 hours (excluding weekends and holidays) prior to the hearing, and that such motions are in writing and filed and served on the opposing party at least 6 business days before the scheduled trial date.

[Former Rules No. 10 and 15, renumbered and amended effective September 1, 1997]

LCrRLJ 6.1
JURY TRIAL READINESS HEARING

A Jury Trial Readiness Hearing will be scheduled during the week prior to the Jury Term Week. The Defendant must be present with his or her attorney, who may appear telephonically when called. The failure of the Defendant to appear at this hearing, unless excused by the Court, may result in the issuance of a bench warrant and the jury trial being stricken, and shall be deemed a Waiver of the Defendant's Right to Speedy Trial. At the hearing the following matters will be concluded:

1. All plea negotiations;
2. Exchange of witness lists;

3. Providing any discovery not previously completed by the Pre-Trial Conference; and,
4. Motions on legal issues arising subsequent to the Jury Pre-Trial Conference or on issues arising due to new evidence.

When a cause assigned for jury trial is settled, or will not be tried by a jury for any reason, notice of that fact shall be given immediately to the Court Clerk. In the event the notice is given after the readiness hearing, the party electing not to have it's case heard by a jury shall pay a jury administrative reimbursement fee equal to the actual costs incurred by the Court for the jury trial, unless the Judge determines that those costs and fees shall not be paid.

[Effective September 1, 2002, amended effective September 1, 2003]

LCrRLJ 6.1.1
JURY TRIAL TERM

- (e) Cases required to be tried by a jury shall be so tried unless the defendant files a written waiver of jury trial and has the consent of the court. A defendant who has waived his or her right to a jury trial and who subsequently wishes to request a jury trial, must file the request with the court no later than the pre-trial hearing, or the right to jury trial will be deemed irrevocably waived.
- (f) The court will set one jury trial term each month during the first week of the first Thursday of that month. The court may set additional jury trial terms during the month as needed.

[Former Ride 16(A), renumbered and amended effective September 1, 1997
Revised September 1, 2002]

LCrRLJ 6.1.2
BENCH TRIAL TERM

- (c) Bench trials will be scheduled on Thursday afternoons, other than during the jury trial week, except where otherwise ordered by the court.

[Former Ride 16(A), renumbered and amended effective September 1, 1997
Revised September 1, 2002]

LCrRLJ 6.13 EVIDENCE
COURT'S CUSTODY OF EXHIBITS

- (f) In a criminal case every exhibit in the court's custody that is not contraband, and for which ownership is not in dispute, shall be returned to the party that produced that exhibit upon motion of that party and the expiration of the appeal period. Exhibits not withdrawn shall be delivered by the court to the applicable law enforcement agency for disposition as abandoned property, or if contraband, for destruction. No exhibit shall be released by the court without obtaining a receipt from the person or agency receiving it.

[Effective September 1, 1997]

LCrRLJ 6.15
JURY INSTRUCTIONS

- (a) Unless otherwise ordered by the court, proposed jury instructions shall be filed with the court and served upon opposing counsel at least 2 business days before the trial date. Each party shall file two original sets of instructions: one with citations and one without citations, and shall serve a copy with citations on each party. Additional instructions, which could not be reasonably anticipated, shall be served and filed at any time before the court has instructed the jury. Each proposed instruction shall be on a separate sheet of paper. The original without citations shall neither be numbered nor include citations of authority.

[Former Rule No. 16, renumbered and amended effective September 1, 1997]

LCrRLJ 7.2
SENTENCING -- EVALUATIONS

- (e) Whenever the court orders a defendant to obtain an evaluation as a condition of sentence, the defendant shall first obtain and execute a waiver of confidentiality on a form provided by the court, and a copy of the form containing the court's evaluation standards as set forth in LCrRLJ 8.13(b). The defendant shall file signed copies of the waiver of confidentiality form and the form containing the evaluation standards, and shall provide copies of the two signed forms to the evaluator. The evaluation must be performed by a state-certified agency, counselor, or therapist and the evaluation just meet the evaluation standards set forth in LCrRLJ 8.13(b).

[Effective September 1, 1997]

LCrRLJ 8.2
MOTIONS

- (a) Motion practice shall be in accordance with CrRLJ 8.2.
- (b) Deferred Prosecutions:
 - (1) A petition for deferred prosecution under 10.05 RCW shall be filed and served on the prosecuting attorney no later than five days before the date set for the pre-trial hearing, and in no event less than 14 days before the date set for trial. The petition must be accompanied by an evaluation that meets the court standards as set forth in LCrRLJ 8.13(b). No petition shall be heard without a recommendation from the probation department.
 - (2) All pleadings shall be on forms provided by the court.
 - (3) Prior to obtaining an evaluation, the petitioner must
 - (a) execute a waiver of confidentiality on a form approved by the court and file a copy with the court,
 - (b) obtain a copy of the court's evaluation standards as set forth in LCrRLJ 8.13(b) and (c) provide copies of the evaluation standards and completed waiver form to the evaluator.
 - (4) The evaluation accompanying the petition for deferred prosecution must be performed by a state-approved treatment facility and must meet the evaluation standards set forth in LCrRLJ 8.13(b).

[Effective September 1, 1997]

LCrRLJ 8.13
EVALUATIONS -- GENERAL STANDARDS

- (a) Except as otherwise approved by the court, any evaluation presented to the court for consideration must meet the evaluation standards set forth in this rule.
- (b) The defendant must sign and file with the court a waiver of confidentiality on a form provided by the court, so that the court, probation officer and prosecutor may provide the evaluator with pertinent information, and the evaluator can provide evaluations and progress reports to the court, probation officer and prosecutor. The defendant must obtain a form from the court setting forth the court's evaluation standards and sign the form and file it with the court. The defendant must provide the evaluator with copies of the signed forms containing the waiver and evaluation standards.
- (c) The evaluator must meet all certification and registration requirements of the state in which (s)he practices. As part

of the evaluation process, the evaluator must comply with all procedures required by the State of Washington and, in addition, must obtain and consider the following:

- 1) The arrest and criminal history of the defendant;
 - 2) The driving record of the defendant;
 - 3) The police reports relating to the incident underlying the charges;
 - 4) Any prior relevant evaluations;
 - 5) Information from at least one collateral contact who has significant knowledge of the defendant;
 - 6) Any additional information provided by the probation officer.
- (d) Upon receipt of a request from an evaluator for information set forth in LCrRLJ 8.13(b), the prosecutor, probation officer or law enforcement agency may provide such information, provided that a proper waiver of confidentiality has been filed with the court.

[Effective September 1, 1997]

LIRLJ 3.1 (b)
CONTESTED HEARINGS - PRELIMINARY PROCEEDINGS -- DISCOVERY

(1) In any case where the State intends to call or to rely upon the sworn statement of a local law enforcement officer, the duty to provide a list of witnesses to the Respondent may be met by providing a copy of the citing officer's sworn statement on which the officer is identified.

(2) No motion to dismiss or to suppress evidence will be granted for failure to provide discovery not required by IRLJ 3.1(b) unless the moving party has previously obtained an order from the Court compelling production of the additional discovery.

[Effective 1 September 2002.]

LIRLJ 3.2
MOTION FOR VACATION OF DEFAULT JUDGMENT FOR FTA.

- (b) A defendant against whom a judgment for a traffic infraction has been entered by default for failure to appear, may file a motion in writing, on forms provided by the court, requesting that the judgment be set aside. The motion will then be presented to the court ex parte for determination. If, upon review, the court feels that a hearing upon the

motion is necessary, the matter shall be set for hearing. Defendant must be present in the event the matter is set for hearing. The motion will be evaluated in conformity with CRLJ 60(b). If the Court grants said motion, the matter will be set for a hearing of the kind requested by the defendant. Mitigation hearings may be heard at the time of the motion if the calendar allows.

[Effective September 1, 2002]

LIRLJ 3.5
DECISION ON WRITTEN STATEMENTS

Mitigation and contested hearings based on sworn written statements, as provided in IRLJ 2.4(b)(4) and IRLJ 2.6 and IRLJ 3.5 are authorized. The written statements must be received by the Court no later than seven (7) calendar days before the scheduled hearing or it will not be considered.

[Effective September 1, 2002]

LIRLJ 3.6
DEFERRED FINDINGS

A. Deferred Findings. The court may defer findings regarding traffic infractions either before or following a contested hearing or defer entry of an order following a mitigation hearing for up to one year and impose conditions on the person.

B. Limit. A person may not receive more than one deferral within a seven-year period for moving violations and one deferral within a seven year period for nonmoving violations.

C. Conditions. For moving violations the conditions may include attendance at traffic safety school, payment of some or all of the presumptive fine and an administrative fee. For nonmoving violations the conditions may include payment of some or all of the presumptive fine and an administrative fee.

D. Administrative Fee. An administrative fee shall be charged.

E. Dismissal. After the end of the deferral period, the court will dismiss the infraction if the person has met all the conditions of deferral and has not committed another traffic infraction during the period.

F. Subsequent Violation during the deferral period. The Court will notify a person during the pending deferment of a violation by first class mail to the address provided by the deferred person. The Court will note the deferred violation as committed and transmit the Notice of Infraction to the Department of Licensing. The Court shall have no other obligation to the

deferred person in this regard.

[Effective September 1, 2002]

LIRLJ 6.6.
SPEED MEASURING DEVICE CERTIFICATION

Any certificate admissible under LIRLJ 6.6(b), and any other document related to a Speed Measuring Device, can be filed with the clerk of the court and maintained by the court as a public record, and shall be available for inspection by the public. Copies shall be provided by the clerk's office on request. There shall be no charge for the copy if it relates to an infraction filed against the person making the request. These records shall be available without a formal request for discovery. The court shall be entitled to take judicial notice of the fact that any document filed pursuant to this rule has been filed with the court. Documents filed pursuant to this rule shall not be suppressed as evidence merely because there is no prosecutor present to offer the document as an exhibit at the hearing. If the certificate or document is insufficient, then a motion to suppress the reading of the Speed Measuring Device shall be granted.

Requests to produce the electronic measuring device expert shall be contained in a separate document and served on the Prosecuting Attorney with a conformed copy filed with the Clerk of the Court. Unless otherwise requested, and ordered by the Court, appearance by the electronic measuring device expert shall be by telephone. In addition to the monetary penalties permitted by IRLJ 6.2 and statutory assessments, the speed measuring device expert's costs and fees, not to exceed \$250.00, as well as statutory attorney's fees pursuant to RCW 7.80.140 may be assessed against a non-prevailing respondent.

[Effective September 1, 2002]

LRSP 1.
NAME CHANGES

- A. Requirements. An applicant who applies to the court for a change of name pursuant to RCW 4.24.130 must meet the following requirements:
- B. Birth Certificate. A certified copy of any minor applicant's birth certificate or suitable identification must be presented to the clerk for verification and copying.
- C. Minors: Parental Consent. All applicants under eighteen (18) years of age must be represented by a parent or legal guardian, and both biological or legal parents or guardian must approve the change of name either by personal appearance or by verified affidavit.

- D. Parental Notification. A parent or guardian who has not consented in writing to a minor's change of name and whose parental rights have not been previously terminated must be given actual notice or notice by publication as provided in CRLJ 4.
- E. Notice by Publication. Publication of a single notice in a newspaper of general circulation in the county of the parent or guardian's last known residence shall be sufficient so long as the notice contains a hearing date, the name of the minor, the name the petitioner desires the child to assume, and sets for the reasons for requesting the change of name.
- F. Separate Applications. Each applicant requesting a change of name must present a separate Petition, Change of Name Order and pay a separate filing fee and recording fee.

[Effective September 2002]
